

SECRETOLL 84-1540
26 April 1984

MEMORANDUM FOR THE RECORD

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FROM:Legislation Division
Office of Legislative Liaison

SUBJECT: H.R. 4620, Federal Telecommunications Act

1. On 19 April 1984, I spoke with Kimberly Allan, OIPR/DOJ, concerning the Administration position on H.R. 4620, the Federal Telecommunications Act. Kimberly stated that the Office of Management and Budget (OMB) had concluded that H.R. 4620 was beyond repair. In stating this view as the Administration position, OMB planned contemporaneously to submit an alternative draft bill which Justice was in the process of drafting. Kimberly called to review certain portions of that DOJ draft bill. (U)

2. Concerning this DOJ bill, Kimberly stated that the bill would be codified in Title 5 and would contain two categories of exceptions, as follows:

(1) No party consent

- activities conducted pursuant to

- (a) Title III
- (b) FISA
- (c) Executive Order 12333
- (d) Any other law

(2) One party consent

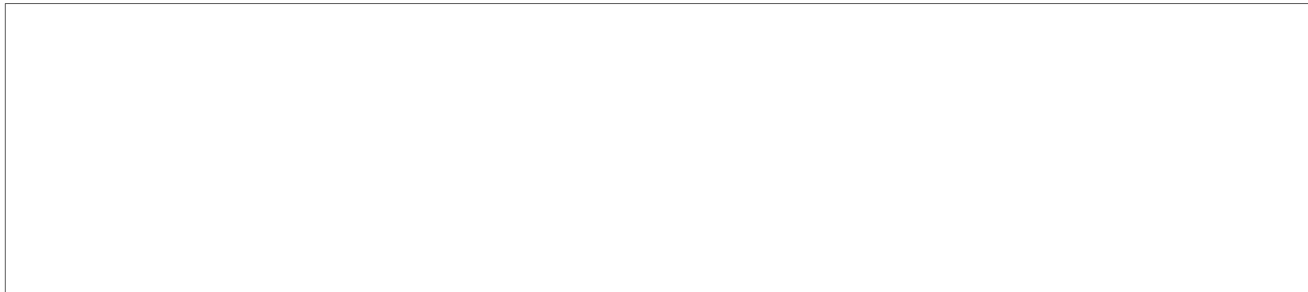
- (a) Law enforcement officers or "intelligence agency officials" acting within their legal authority
- (b) Any person acting as an agent for (a)
- (c) COMSEC activities performed according to procedures approved by the Attorney General.

Kimberly stated further that "intelligence official" was defined by reference to Executive Order 12333. (U)

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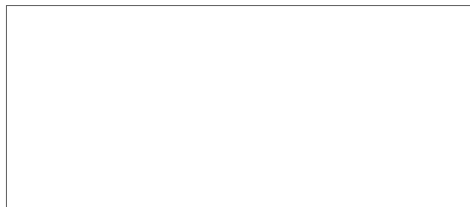
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4. On 20 April 1984, Kimberly called to say that she had been misinformed about the submission of a DOJ alternate bill, but that DOJ was going to submit an extensive letter listing problems with H.R. 4620. This latter approach is consistent with the agreement reached with OMB concerning H.R. 4620. It was unclear from our discussion what role the draft language she read the previous day would play in the overall strategy on H.R. 4620. (U)

5. Kimberly also noted that she would tell DOJ Legislative Liaison to clear CIA's letter on H.R. 4620. (U)

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cc: C/ILD/OGC

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